

**IN THE UNITED STATES BANKRUPTCY CODE
FOR THE DISTRICT OF PUERTO RICO**

IN RE: JUAN CARLOS BALCELLS GALLARETA Debtor	CASE NO.: 11-6637 (MCF) CHAPTER 7
NOREEN WISCOVITCH RENTAS Plaintiff Vs. AMARILIS GONZALEZ GARCIA Defendant	ADV. PROC. NO.: 14-00137

MOTION SUBMITTING AMENDED OFFER OF JUDGEMENT UNDER FRBP 7068

TO THE HONORABLE COURT:

COMES NOW, Amarilis González, (“Ms. González”) Defendant herein, through the undersigned attorney and very respectfully STATES and PRAYS:

1. On August 4, 2015, Ms. González filed a motion submitting an offer of judgement under the provisions of FRBP 7068. (Docket 44)
2. Thereafter, Ms. González submitted an amended offer for settlement to the Trustee. The same was declined yesterday. Therefore, Ms. González herein wishes to submit to this Honorable Court an amended offer of judgment under the provisions of FRBP 7068.
3. It is herein clarified that this offer of judgment is solely to resolve all contested issues regarding the disposition of the real estate property object of the Complaint filed by the Trustee and is submitted as Ms. González’ proposal to acquire the estate’s participation in the Property to secure the home of her children. This offer for judgment does not resolve

or is intended to settle the counterclaim filed by Ms. González, nor any actions she may have against the Debtor or third parties on account of any fraudulent acts or conduct.

4. According to an opinion of value of the Property obtained by Ms. González on May 12, 2015, the Property has a value of \$300,000.00.
5. The total amount of Ms. González' offer to the estate, considering the credits, cash payments and assumed liabilities by her is in the amount of \$145,954.00 according to the following terms and conditions:

Less Claims/credits	Amount	Amarilis González	Bankruptcy Estate
Post Petition Mortgage Payments Made by Amarilis González to BPPR	\$39,000.00	\$19,500.00	\$19,500.00
Balance of Mortgage Owed	\$34,000.00 ¹	\$34,000.00	To be assumed entirely by Ms. González. The estate is released from its liability in the amount of \$17,000.00.
HOA	\$25,000.00 ²	\$25,000.00	To be assumed entirely by Ms. González. The estate is released from its liability in the amount of \$12,500.00.
CRIM	\$1,000.00	\$1,000.00	To be assumed entirely by Ms. González. The estate is released from its liability in the amount of \$500.00.
DSO Priority Claim ³	\$125,046.00	\$58,592.00 to be collected directly from the Debtor	\$66,454.00. This amount will be credited and not subject to cash disbursement by the estate. Ms. González

¹ Estimated amount. This claims continues to accrue interests and late fee charges.

² This amount is estimated as of February 2015 and principal increases on a monthly basis, accruing also additional interests, late fees and penalties.

³ Ms. González has a DSO claim in the bankruptcy case for the amount of \$174,128.00 (Claim #5). The Debtor has recognized in his amended schedules a DSO claim in the amount of \$125,046.00 as per Docket 99. For settlement purposes only, Ms. González is willing to reduce the amount of her claim to those amounts recognized by the Debtor in order to avoid future litigation regarding the allowance of her proof of claim.

			will retain her rights to collect from the Debtor.
Cash payment	\$30,000.00		\$30,000.00 as cash payment to be made by Ms. González to the Trustee in full payment for the purchase of the asset.
Total to be received by the Estate in cash and in credits:			\$145,954.00

6. As reflected in the table above, Ms. González will be assuming all secured claims related to the Property and releasing the estate in full from such liabilities. She is also offering the reduction of the Estate's liability on account of the DSO Claim, which is first priority rank claim under Section 507 (a)(1)(A) of the Bankruptcy Code and is non-dischargeable. The Estate will not make any cash disbursements to Ms. González on account of the DSO Claim and the amount of \$66,454.00 will be credited in her favor as part of this transaction.
7. Ms. González will retain the right to pursue and collect from the Debtor the balance of the DSO Claim due to the fact that this claim is not subject to discharge. Ms. González does not waive the prosecution of any and all claims against the Debtor and Debtor's relatives, including but not limited to the counterclaim filed in this adversary proceeding and any and all fraud claims on account of Debtor's concealment of community property to which she and the estate are entitled to receive participation.
8. Ms. González requests that this offer of judgment under FRBP 7068 be considered a good faith offer made in order to end all litigation related solely to the disposition of the real estate property and provide payment to the claims directly related to the Property, including but not limited to the mortgage owed to BPPR, the HOA and CRIM.

WHEREFORE for the above stated reasons Ms. González very respectfully requests that this Honorable Court consider the offer of judgment herein submitted as a good faith offer made by Ms. González in accordance with FRBP 7068, including but not limited to the imposition of costs and fees.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 24th day of September 2015.

I HEREBY CERTIFY that copy of this document has been filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties therein registered to receive notice, including the US Trustee and counsel for Plaintiff.

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